

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15701 of the President and Directors of Georgetown College pursuant to 11 DCMR 3108.1 and 3107.2, for special exception and area variance relief for further processing under the Campus Plan to permit the construction of additions to the Loyola, Xavier and Ryder buildings ("LXR") to provide for continued dormitory use in an R-3 District at premises 1221 36th Street, N.W. (Square 1222, Lot 62).

HEARING DATE: June 24 and July 22, 1992
DECISION DATE: September 2, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The subject property is located on the Georgetown University campus which contains approximately 104 acres of land and is roughly bounded by Reservoir Road to the north, Glover Archbold Park on the west, Canal Road on the south, and 35th and 36th Streets on the east. The campus is zoned C-1 and R-3. The site of the project is located within the east campus, in the square bounded by Prospect Street on the south, 36th Street on the west, N Street on the north and 35th Street on the east. The main academic portion of the University campus is located on the southeast portion of the campus.

2. The applicant is seeking a special exception for further processing under an approved campus plan to allow the construction of additions to the existing Loyola, Xavier and Ryder buildings. The applicant is also requesting area variance relief from the lot occupancy and height requirements of the R-3 zone. The location and use of the LXR project corresponds to the information presented by the University in its 1989 Bicentennial Campus Plan.

3. Section 211 of the Zoning Regulations provides that a college or university which is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity or sorority house proposed to be located on the campus of a college or university, is permitted as a special exception in a residential district, provided that:

- a. Such use is so located that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions;

- b. In R-1, R-2, R-3, R-4, R-5-A and R-5-B Districts, the maximum bulk requirements normally applicable in such districts may be increased for specific buildings or structures provided the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B District.
- c. The applicant shall submit to the Board a plan for developing the campus as a whole, showing the present location, height and bulk, where appropriate, of all present and proposed improvements, including, but not limited to buildings, parking and public utility facilities, and a description of all activities conducted or to be conducted therein, and of the capacity of all present and proposed campus development.
- d. Within a reasonable distance of the college or university campus, the Board may also permit the interim use of land or improved property with any use which the Board may determine as a proper college or university function; and,
- e. Before taking final action on an application for such use, the Board shall have submitted the application to the District of Columbia Office of Planning and the Department of Public Works for review and report.

4. Subsection 403.2 specifies that the maximum lot occupancy for a building in an R-3 District is 40 percent and Subsection 400.1 specifies that the maximum height of a building is 40 feet. The existing buildings are nonconforming as to lot occupancy and height and, therefore, any addition to the existing structures would require area variance relief.

5. Section 3107.2 of the Zoning Regulations provides for the granting of variance relief where by reason of extraordinary or exceptional situation or condition of a specific property, the strict application of the regulations would result in peculiar and exceptional practical difficulties were the owner required to develop the property in accordance with the Zoning Regulations, and where the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map.

6. Georgetown University is located in an urban setting composed of residential, institutional and commercial uses. Georgetown University is also located within the Georgetown Historic District and the Commission of Fine Arts (CFA) has

architectural review authority for specific building projects. The site which is the subject of this application is located on the east campus.

7. The applicant is seeking special exception and area variance relief pursuant to the Georgetown University Bicentennial Campus Plan, reviewed and approved by the Board in its Order No. 15302, dated October 12, 1990. The instant application is the fourth project submitted for review under the approved campus plan.

8. The Georgetown Bicentennial Campus Plan was approved by the Board after extensive participation by the University and the community in a comprehensive planning and public hearing process. One of the key components of the approved campus plan is "Appendix H", in which the applicant committed to an aggressive housing program in order to increase the supply of on-campus housing, to establish new procedures to enhance community relations, and to provide for better monitoring of its undergraduates.

9. The proposed LXR project was specifically identified in "Appendix H". By adding 190 new beds to the University's existing supply of on-campus housing, the project helps fulfill the goals of "Appendix H" in significant respects. In its order approving the campus plan, the Board identified the project as a "priority project". Two other projects that were identified as priorities include an addition to the Perinatal Building and the construction of a medical research facility. These projects were recently approved by the Board in its Order Nos. 15435 and 15519, respectively.

10. At the time of the campus plan approval, the applicant estimated that the LXR project would provide a net increase of 225 new undergraduate beds. Subsequent to the approval of the campus plan, a detailed study of the existing buildings indicated that only 190 beds could be provided at the site due to column arrangement and other site constraints. The remaining 35 beds will be included in future projects presently under study by the University.

11. As part of the subject application, as requested by the Board in its approval of the campus plan, the applicant provided an update on the status of its housing program which includes implementing the Off Campus Student Affairs Program, providing on-campus space for undergraduate students by moving graduates off campus and changing its policies to require that freshman and sophomore students live on campus. The proposed LXR project, as well as the other components of the housing program, carry out the goals and policies described in the campus plan, specifically "Appendix H" of the approved plan. Although the project does not

provide the total of 225 new beds as contemplated under "Appendix H", the provision of 190 new beds represents a significant step towards the fulfillment of that goal.

12. The three existing buildings which comprise the LXR project have a history of institutional and dormitory use. Loyola Hall was built in 1920, originally as a wing of the hospital for Georgetown University, and was converted to dormitory use in 1956. The most recent use of the building, since 1988, was for temporary administrative offices. Xavier Hall was constructed in 1955 and Ryder Hall was constructed in 1898. Both buildings are currently used as dormitories for undergraduate students. Due to the existing condition of Xavier and Ryder Halls, and the need to renovate the interior space to meet code and program requirements, the use of the buildings for dormitory space is currently underutilized.

13. The major portion of the project consists of interior renovation and alteration work to bring the existing deteriorated buildings up to code specifications and to provide attractive on-campus space for undergraduate students. The proposed additions add approximately 5,000 square feet of floor area and occur at four locations on-site. The additions provide interconnections among the buildings to meet code requirements for egress.

14. The links between the buildings will be 41 feet in height and will connect the buildings on all floors. This height is required in order to align the additions with the existing floors. The stair additions located on the interior of the site are at a height of 66 feet, which is required in order to provide a second means of egress to all floors. Although the additions are well below the 76-foot height of the existing buildings, they exceed the maximum building height of 40 feet for the R-3 District. Variance relief is therefore required.

15. The existing buildings currently have a lot occupancy of 64 percent and, therefore, exceed the maximum 40 percent lot occupancy permitted in the R-3 District. It is not possible to provide the connections and stairway access without the construction of additions to the existing structures. The proposed additions will increase the existing lot occupancy by 1.6 percent. Variance relief is therefore required.

16. University officials testified that the gross floor area is well within the 1.8 floor area ratio permitted under the Zoning Regulations. The proposed additions would increase the campus floor area ratio (FAR) by approximately 5,000 square feet of floor area for a total campus FAR of approximately 1.03, well within the 1.8 FAR permitted under the Zoning Regulations and the approved campus plan.

17. The LXR project will provide a total of 280 undergraduate beds at the subject site. Currently, the three existing buildings provide 90 dormitory beds. The net gain of 190 beds is the maximum that can be provided given the constraints resulting from the existing configuration of the buildings and the site. University officials noted that all three of the existing buildings were used for dormitory purposes prior to 1988. In 1984, there was a total of 190 dormitory beds in the three buildings, approximately 90 less than that proposed in the subject application.

18. The architect for the project explained that the project had been reviewed by the Old Georgetown Board (OGB) and the Commission of Fine Arts in March of 1992 and had received concept approval. The applicant is required to go back to OGB and CFA for final approval at the time the permit plans are filed.

19. Consistent with commitments contained in Appendix H, the project is targeted for completion within an expedited time frame in order to provide the beds as soon as possible. The targeted move-in date for the undergraduates is the summer of 1994, which is in advance of the 1995 date committed to in Appendix H. To meet that availability date, the applicant requested expedited review of the project in order to be able to file the building permit in September of 1992 and to begin construction in December of 1992. University officials also explained that, as part of its bond money approval by the City Council, there is a commitment to use 85 percent of the proceeds for the project by December of 1993. To meet this deadline, expedited review is needed.

20. The applicant testified that the project has been designed to mitigate and minimize any potential impact due to noise. Construction will include the standard insulation materials found in all new construction so that there will be no increase in noise or vibrations as a result of the project. The activity areas for students are located well within the interior of the building and below ground, removing such activities from the perimeter of the building and thus reducing the opportunity for noise to travel from the site out into the community. Additionally, the focus of the project is on the interior courtyard for entry and activity. This landscaped area provides an area for students to congregate that is located on the interior of the square, rather than on the sidewalk and street frontage locations. Direct access to the campus is provided from the interior of the square through the existing Walsh building westward to the campus, again focusing pedestrian and student activity away from the communities to the east. Finally, access to the LXR project will be from the courtyard as it is the main entrance to the project. All other doors to the street will be locked, but will be wired to card readers and alarms.

21. Additional design features are proposed to further minimize any noise impacts. Window stops will be installed if permitted by the Building Code to prevent the windows from raising above a certain height in order to discourage students from placing speakers in windows. Built-in wall units will be provided on the interior walls of the suites to encourage the placement of stereo and other audio or video equipment in the interior of the rooms.

22. The project is designed as dormitory space for sophomores, juniors and seniors, which again addresses the noise issue. Recognizing that the freshman are new to college life and often noisier than other students, no freshman will be permitted to reside in the building unless an emergency or compliance with the Americans with Disabilities Act dictates otherwise. Further, the lottery system employed by the University for this building will give preference to juniors and seniors. Only after juniors and seniors have had first pick will any unused space be made available to sophomores.

23. To further minimize noise impacts, included in the design of the project are on-site residential units for a Resident Director and several Resident Assistants, in addition to two chaplain in-residence apartments and one faculty residence. By restricting the occupants of the building and by providing live-in staff to oversee the behavior of the residents, the project is designed to ensure that it will have no adverse impacts in terms of noise. Additionally, the housing is located on-campus which means that the residents of the project are subject to the University's on-campus regulations. Campus safety officers will monitor the activities at the site. These safeguards are designed so that the project will have no objectionable impact in terms of noise.

24. The goal of the project is to move undergraduate students from current off-campus locations to a more centralized and secure on-campus facility. The movement of students from housing within the community to this location would reduce overall noise impacts within the community and would carry out the express policies of the campus plan and the concerns of the community as heard during the campus plan process.

25. The applicant's traffic expert testified that the project will have no adverse impact on traffic or parking conditions in the area. No changes are proposed to the area road network and no parking is associated with the development of the site.

26. The applicant's traffic expert testified that the University has a registration program for on-campus cars and that undergraduate students who live in on-campus dormitories are not permitted to register or have cars. In response to concerns raised by area residents and through cooperation with the District of Columbia Department of Public Works' Residential Parking Permit

Program, there are controls in place to ensure that students living in this facility will not be able to obtain residential parking permits and will not be able to bring cars on campus.

27. The project will also result in improved trash collection at the site. Currently trash is collected between Loyola and Xavier in outdoor trashcans located in the alley. The renovation will provide a trashroom and compactor located inside the building thus further minimizing noise and visual impacts on the surrounding community.

28. With regard to the number of students, the University explained that rather than try to place the 225 new beds in the existing buildings, it has attempted to design a superior project in order to provide quality spaces and to include measures that will minimize any impacts from the students living in the existing buildings. The spaces will free up housing in the outlying neighborhoods for community residents. Further, all students in the building will be part of the University's on-campus system and subject to the Code of Conduct and rules and regulations that apply throughout the campus. The University further testified that it had received no complaints from the community concerning the activities of its students at the other dormitories located in the same square and cited this as evidence that its on-campus system works.

29. The building design is compatible with the character of the historic district and every effort has been made to keep the additions as minimal as possible so as not to compete with the existing buildings. The proposed additions will be compatible with the existing buildings with respect to architectural design, building materials and color. In addition, the connections enhance the appearance of the building and provide an opportunity for landscaping improvements on the interior courtyard, in addition to the opportunity to screen uses from view, including the trash facilities presently located on an alley between the buildings. The courtyard area for the project will be extensively landscaped, contributing to an improvement in visual appearance and the overall greening of the University campus. Further, there will be student security guards and a regular patrolling of the area by non-campus public safety officers, resulting in improved security and an enhancement to the neighborhood. Finally, the applicant offered to provide additional streetscape improvements including the landscaping and fencing of the public space area to discourage any students from crossing 35th Street at mid-block, subject to the review and approval of the D.C. Public Space Committee.

30. With regard to the variance relief, the University argued that the site is affected by exceptional or extraordinary conditions which make it a practical difficulty for the applicant to comply with the strict application of the Zoning Regulations.

In this case, the subject site is affected by several exceptional or unusual conditions, including the size of the existing buildings which are already nonconforming as to height and lot occupancy; the history of use of the property for institutional and dormitory use; the location of the properties within an historic district which places limitations on the applicant's ability to demolish and rebuild the structure; and, the impact of the University's campus plan which calls for continued and expanded residential use of the make the buildings work for dormitory use and to carry out the commitments in "Appendix H" is by constructing the small additions.

31. With respect to the variance from the height requirements, the architect testified that the existing that the proposed range from 41 feet for the connectors to 66 feet for the egress. The architect noted additions cannot be lower on height and still provide the needed connection at each of the floors of the existing buildings. It represents a practical difficulty to design the additions in compliance with the 40-foot height requirements of the R-3 District because the existing buildings are already in excess of that height.

32. The architect testified that the existing buildings already exceed the lot occupancy and that it is likewise impossible to construct the additions without variance relief from the lot occupancy requirements. The only other way to provide the required access to meet code requirements would be to design each building to stand on its own and to use interior spaces to provide the needed core and stairs. With this approach, large portions of the interiors of the buildings would be devoted to egress with a resulting loss in space and rooms. Further, since each building would be separate, the result would be a duplication of cores and stairs at significantly increased costs.

33. University officials described the significant impacts the loss of the additions would have on its programs, activities and services. Without the connections, each building would function independently and would need separate amenities for residential use including additional kitchenettes, common areas, laundry facilities, trash removal, staff and security. The result would be a loss of economies of scale and a significant increase in the cost of providing the on-campus housing. The University estimated that were it required to provide the additional stairs, hallways and other services within each building, it would lose approximately 42 beds which would render the project noncompetitive with area housing prices. Additionally, the operating losses for the project would increase by approximately \$320,000 per year. The University submitted information showing that the project, as designed, would be competitive with neighborhood housing but that the loss of 42 beds would render the project noncompetitive and economically infeasible.

34. The proposed additions have been designed to be as small as possible to achieve the desired result without impacting the design of the existing buildings and with minimal visibility. The changes represent an enhancement and a more efficient use of the buildings. Campus Plan policies and community goals are carried out by increasing the amount of undergraduate housing on campus and by moving students on campus from community housing. In addition, the connections between the buildings improve security and reduce noise impacts by providing for circulation of students interior to the buildings rather than requiring access from the exterior.

35. The Office of Planning (OP), by memorandum dated June 16, 1991, recommended that the application be approved. OP was of the opinion that the proposed additions would not create any objectionable conditions to neighboring property because of noise, traffic or other objectionable impacts and that the applicant had met its burden of proof for the requested area variance relief. OP noted that the project would comply with the approved 1989 Campus Plan in terms of its location and use and that it carries out important housing policies of the University. OP was also of the opinion that the variances requested were minor and not likely to adversely impact the surrounding area. The proposed additions to the buildings would not impact the light and air of abutting properties, all of which are in University ownership. Further, OP was of the opinion that there were extraordinary or exceptional conditions in this case because of the location and size of the existing buildings and the constraints imposed by the historic district and the institutional need of the University to provide additional on-campus housing.

36. The Department of Public Works (DPW), by report dated June 26, 1992, indicated that it had no objection to the project and that there would be no adverse impacts in terms of traffic or parking.

37. The Metropolitan Police Department, by memorandum dated July 6, 1992, offered no objection to the application and stated that the changes proposed would not affect the public safety in the immediate area nor generate an increase in the level of police services now being provided.

38. Advisory Neighborhood Commission 2E took no official position on the application. Two individual commissioners testified at the public hearing as representatives of their single member districts.

39. The record contains several letters in support of the application from area residents. Several area residents and a representative of the Business and Professional Association of Georgetown testified at the public hearing in support of the application. The support is generally summarized as follows:

- a. The project has been designed so as to have no objectionable impacts on the surrounding neighborhoods.
- b. The programs and policies put in place by the University during the campus plan process have been effective and address the issue of student noise and conduct.
- c. The area variance relief requested is extremely minor and is needed in order to facilitate the quality renovation of the building for dormitory use.
- d. The proposed project is an essential component of the University's Campus Plan which calls for additional on-campus dormitory space.
- e. The project has already reviewed and approved as part of the University's Campus Plan and at that time the community supported the addition of 225 new beds at this location.
- f. The project is an important commitment of the University and should be supported by the community and the Board, including expedited approval.

40. There were several letters of opposition to the application from area residents. Several area resident and the Single Member District Commissioner for ANC 2E-01 testified at the public hearing in opposition. The opposition is generally summarized as follows:

- a. The property is not affected by unique or exceptional conditions.
- b. The self-created hardship rule operates to prevent the variance relief requested.
- c. Since the additions to the building were not specifically shown in the Bicentennial campus plan, the project requires an amendment to the Campus Plan.
- d. The concentration of 280 students at this location would have objectionable impacts in terms of noise, particularly since those students will be traveling from Wisconsin Avenue to the site and using the 35th Street entrance.
- e. The University should be required to consider alternative sites and to show why other locations are not feasible for dormitory use.

41. At the conclusion of the public hearing, the Board left the record open to receive a submission from the applicant as to how the proposed project was designed to be competitive with neighborhood housing.

42. By posthearing submission submitted on August 12, 1992 the applicant described the ways in which the project was intended to be competitive with area housing. The applicant pointed out that with regard to price, current University housing was very competitive with neighborhood housing based on information it had obtained from approximately 65 landlords renting properties in the surrounding communities of Georgetown, Burleith and Glover Park. At the proposed size of 280 beds, the LXR project would be delivering beds in a price range competitive with neighborhood prices. The applicant also noted that the project was competitive in terms of its design, which provides attractive, convenient on-campus space for undergraduate students. Finally, it was emphasized that if the connections were disallowed and the project lost 42 beds, it would become noncompetitive and it would be economically infeasible for the University to go forward.

FINDINGS OF FACT:

1. The Board finds that the applicant has met the requisite burden of proof as set forth in Section 211, 3108.1 and 3107.2 of the Zoning Regulations.

2. With respect to the special exception relief, the Board finds that the use of the site is not likely to become objectionable to neighboring property because of noise. The existing buildings have a history of dormitory use. Although the proposal will increase the number of students housed at the subject site from 90 to 270, the proposed connections, entrance locations, and renovations would orient student activity toward the interior campus area and shield the adjoining residential area from the main points of student access and pedestrian activity. Proposed design features and building insulation would further minimize noise impacts on the adjoining residential community.

3. The Board finds that the proposal would not adversely impact on the neighborhood in terms of vehicular traffic. No changes to existing traffic patterns or parking are proposed. The University's policy prohibits undergraduate students who live on-campus from owning or registering automobiles. The Board further finds that the impacts on the residential community generated by student pedestrian traffic will be reduced due to the orientation of the entrances to the facility towards the interior of the campus, the lack of direct access to the building from 35th Street, and the location of walkways and outdoor lounge areas towards the interior of the campus.

4. As to concerns about student traffic from Wisconsin Avenue, the University has in place an Off Campus Student Affairs program to address complaints about student conduct wherever that conduct takes place. This project will be an on-campus facility with round-the-clock security patrols and improved monitoring of student activities. The buildings have historically been used for dormitory purposes with no complaints from neighbors, even with three entrances on 35th Street, and there is no evidence that the proposed use will create any objectionable conditions.

5. With respect to the requested variance relief, the Board finds that the property is affected by exceptional or extraordinary conditions the Zoning Regulations do not preclude approval of variance relief where the uniqueness arises from a confluence of factors. The critical point is that the extraordinary or exceptional conditions must affect a single property. In this case, there is a confluence of several factors: (a) the property is improved with existing nonconforming buildings which are nearly double the permitted height and which exceed the lot occupancy by 50 percent. Existing structures on the land are part of the property and may be exceptional conditions for variance purposes. (Clerics of St. Viator vs. D.C. BZA, 320 A.2d 291).

(b) The Board and the Court have held that the need to expand an existing building or institutional necessity may constitute an exceptional condition to justify a variance, particularly where that expansion is into an adjacent area in common ownership which has long been regarded as part of the same site. (Draude v. BZA, 527 A.2d 1242). (c) The property is affected by the University's campus plan which requires the University to devote the site to residential use and which calls for an additional 225 undergraduate beds. The University's ability to meet its campus plan goals and its institutional needs would be greatly frustrated or entirely defeated were the additions disallowed. (d) The property is located within the boundaries of the Georgetown Historic District which places restrictions on an owner's ability to alter or demolish the structures. (e) The economic impact of not allowing the variances would be significant in terms of rendering the project noncompetitive with area housing and in terms of the increased operating losses. These conditions uniquely affect the subject property and create exceptional or unusual conditions peculiar to the site.

6. With respect to the opposition's assertion that the self created hardship rules operates to prevent the granting of the requested variance, the Board finds that the D.C. Court of Appeals has held that self-imposed hardship or even prior knowledge or constructive knowledge of the difficulty, is not a bar to an area variance, the type of variance with which is sought in the instant case. (Gilmartin v. BZA, 579 A.2d 1164 citing ALW v. D.C. BZA, 338

A.2d 428. See also, Association for Preservation of N Street v. BZA, 384 A.2d 674. The rule is only applicable to use variance cases.

7. With respect to the issue of whether the subject application should have been processed as an amendment to the University's campus plan because the physical connections were not specifically shown in the campus plan, the Board finds that the Campus Plan represents conceptual approval of buildings and improvements. To require the University to show in its case that it would impose rigid and unnecessary constraints is not called for under the Zoning Regulations. The proposed additions are extremely minor in nature and are at a more design and detail oriented those that required for conceptual approval. Further, the renovation of the three buildings to provide an additional 225 beds was specifically referenced in Appendix H and the location was shown on the maps and exhibits thereto. The campus plan specifically identified the project and evaluated the impact of 225 new undergraduate beds. The project now provides fewer beds (190) and includes minor connections to meet code requirements. The opponents offer no evidence as to how this project is not consistent with the University's Campus Plan.

8. As to whether the opposition's argument that the University is required to explore alternative sites, the Board notes that the analysis of alternative sites took place as part of the Campus Plan process and resulted in Appendix H. This project is fully consistent with Appendix H and the Campus Plan, and there is no requirement for the University to undergo that analysis again.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking special exception and area variance relief, the granting of which requires compliance with the requirements of Sections 211, 3108.1 and 3108.2 of the Zoning Regulations, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not tend to affect adversely the use of neighboring property. The Board concludes that as to the special exception relief, the University has met its burden of proof and that the use is located so as to not likely become objectionable because of noise, traffic, number of students or other objectionable conditions. As to the area variance relief, the Board concludes that the applicant has met its burden of proof and that there are exceptional or extraordinary conditions in this case which create practical difficulties and which prevent the applicant from designing the project in full compliance with the

Zoning Regulations. The Board further finds that the use and design of the proposed additions would not impair the intent, purpose and integrity of the R-3 District regulations.

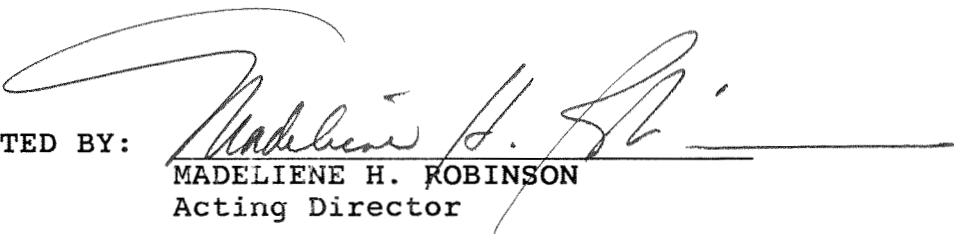
The Board further concludes as, hereinafter conditioned, that the project is not likely to adversely impact adjacent or nearby properties. Accordingly, it is hereby ORDERED that the application is GRANTED subject to the following CONDITIONS:

- a. The applicant shall have the flexibility to make modifications to the design of the building as necessary to comply with the recommendations of the Commission of Fine Arts and the Old Georgetown Board.
- b. The applicant shall also have the flexibility to modify programmatic needs.
- c. The applicant shall have the flexibility to modify the streetscape improvements along the 35th Street side of the project to include additional landscaping and fencing of the public space area to further discourage students from crossing 35th Street at mid-block, subject to the review and approval of the Public Space Committee of the Department of Public Works.
- d. The number of student beds at the subject facility shall not exceed 280.

VOTE: 3-0 (Paula L. Jewell, Maybelle Taylor Bennett and Carrie L. Thornhill, to grant; Sheri M. Pruitt not present, not voting; Angel F. Clarens not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER:

NOV 18 1992

BZA APPLICATION NO. 15701
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PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15701Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15701

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 18 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. ROBINSON
Acting Director

DATE: NOV 18 1992

15701Att/bhs